

CITY OF GRAND RAPIDS

May 6, 2011

Diana Lopez
Senior Editor – Sunshine Review

Re: Freedom of Information Act Request #2948

Dear Ms. Lopez:

This letter will respond to your Freedom of Information Act request above referenced as received by the Freedom of Information Act Coordinator on April 14, 2011. Your request is as follows:

"... access to and a copy of:

- 1) *Records* of all salaries more than \$150k from January 1, 2008 to January 1, 2011.*
- 2) *Records of salaries from January 1, 2008 to January 1, 2011 for:*
 - *Mayor*
 - *City council members*
 - *City Manager*
- 3) *Benefits information for items 1 and 2, from January 1, 2008 to present day or most recently available records, if applicable.*
- 4) *Overtime hours for retiring personnel from January 1, 2008 to January 1, 2011.*
- 5) *City cell phone use from January 1, 2008 to January 1, 2011.*
- 6) *City personal car use from January 1, 2008 to January 1, 2011.*

Your request regarding Items 1 through 3 is granted. A copy of the public records available to respond to your request is enclosed.

In response to Paragraph 4 of your request involving "overtime hours for retiring personnel," I interpret your request to mean that you are seeking information regarding actual overtime hours worked by those employees that retired from the City of Grand Rapids during the stated time period. Benefits under the Grand Rapids Pension Systems are calculated based on group averages, and not on actual hours worked. The data you seek therefore does not presently exist in any compiled report. I have been informed by City Staff that there will be a significant amount of employee time that must be expended, in order to search for and compile documents that comply with Paragraph 4 of your request. In addition to the staff time required, there will also be copying charges for the documents involved. MCL 15.234(2) permits a public body to "require at the time a request is made a good faith deposit from the person requesting the public record . . . if the fee authorized [by the statute] exceeds \$50.00. The deposit shall not exceed ½ of the total approximate fee."

Pursuant to this statutory authority, the City of Grand Rapids hereby requires a deposit in the amount of \$300.00, before the City will begin to search for and compile the documents referenced

above. Once this office receives your deposit, I will notify the appropriate departments to begin the required search.

In response to Paragraph 5 regarding "City cell phone use", I interpret your request to mean that you are seeking information regarding actual costs associated with the use of cell phones issued to City employees during the stated time period. The data you seek does not presently exist in any compiled report for the time period requested. However, the City does have in its possession a report summarizing invoices for city-issued cell phones for management employees over a six-month period, which is the most complete record on this topic presently in the City's possession. That document is enclosed.

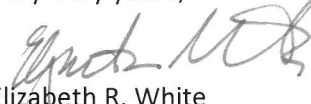
If you require a more expansive report, I have been informed by City Staff that there will be a significant amount of employee time that must be expended, in order to search for and compile documents that comply with Paragraph 5 of your request. In addition to the staff time required, there will also be copying charges for the documents involved. MCL 15.234(2) permits a public body to "require at the time a request is made a good faith deposit from the person requesting the public record . . . if the fee authorized [by the statute] exceeds \$50.00. The deposit shall not exceed ½ of the total approximate fee."

Pursuant to this statutory authority, the City of Grand Rapids hereby requires a deposit in the amount of \$100.00 before the City will begin to search for and compile the documents referenced in Paragraph 5 above.

In response to Paragraph 6 seeking "City personal car use", your request is granted. I have enclosed the City's policy regarding 24-hour vehicle use, and the most recent list of 24-hour vehicle assignments.

If you have questions regarding this matter, please do not hesitate to contact me.

Very truly yours,


Elizabeth R. White
Deputy City Attorney
FOIA Coordinator

ERW/jlm

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